

## **REMARKS**

Claims 1-4, 6-12 and 14-20 are now pending in this application, with claims 1, 4 and 19 being the only independent claims. Claim 13 has been canceled. Claims 1 and 4 have been amended to incorporate the subject matter of canceled dependent claim 13. Independent claim 19 has been added. Support for independent claim 19 may be found, for example, at pg. 2, lines 21-24 of the specification as originally filed. Support for new claim 20 is found at pg. 3, lines 7-11 of the specification as originally filed. No new matter has been added. Reconsideration of the application in view of the above amendments and the following remarks is requested.

Claims 1-4, 6, 9-12 and 15-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,420,460 (“*Fischer*”) in view of U.S. Patent No. 5,122,039 (“*Tuckey*”). Claims 7, 8, 13 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Fischer* in view of *Tuckey*, and further in view of U.S. Patent No. 6,095,771 (“*Schelhas*”). Lastly, claims 17 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Fischer* in view of *Tuckey*, and further in view of U.S. Patent Application Publication No. 2003/0039539 (“*Harris*”). For the following reasons, reconsideration and withdrawal of these rejections are respectfully requested.

Independent claims 1 and 4 have been amended to recite incorporate the subject matter of canceled dependent claim 13. That is, independent claim 1 has been amended to recite “a shaft having a flattening at one end which includes a shoulder”. Independent claims 1 are additionally amended to recite “said shoulder of said shaft being disposed in an area of said G-rotor between said bottom and said cover”. Support for the amended limitations can be found at page 3, lines 7-11, of the application as originally filed. Independent claim 4 has been correspondingly amended.

The Examiner (at pg. 4 of the Office Action) has acknowledged that the combination of *Fischer* and *Tuckey* fails to teach or suggest “a flattening on the shaft” as now recited in independent claims 1 and 4, and cites *Schelhas* for this feature. Applicants, however, respectfully disagree that the combination of *Fischer*, *Tuckey* and *Schelhas* achieves the G-rotor pump of now-amended independent claims 1 and 4.

As described at pg. 3 of the specification as originally filed, “[t]he shaft 8 has a flattening 10 for the rotationally fixed take-up of the G-rotor 9. Moreover, the shaft 8 has a shoulder 11 in the region of the G-rotor 9”. *Schelhas* fails to teach or suggest this claimed feature. Indeed, *Schelhas* is the only patent that discloses a flattening on a shaft (see, e.g., Fig. 1). However, *Schelhas* fails to teach or suggest that the shaft 8 of the *Schelhas* pump has a shoulder in the region of the G-rotor in addition to the flattening. In contrast, Fig. 1 of *Schelhas* discloses that the shoulder of the shaft is at one side of the rotor, i.e., the side facing the motor. Accordingly, the rotor of *Schelhas* can be placed on the shaft in the position shown in Fig. 1 or in a flipped position. Thus, the combination of *Fischer*, *Tuckey* and *Schelhas* fails to teach or suggest “said shoulder of said shaft being disposed in an area of said G-rotor between said bottom and said cover”, as now recited in independent claims 1 and 4. In view of the foregoing, amended independent claims 1 and 4 are patentable over the combination of *Fischer*, *Tuckey* and *Schelhas*.

*Harris* has been cited based on the failure of *Fischer* and *Tuckey* to teach or suggest “an impeller made of ceramic material”, as recited in dependent claims 17 and 18. However, there is no teaching or suggestion in *Harris* of “said shoulder of said shaft being disposed in an area of said G-rotor between said bottom and said cover so that said G-rotor can be fixed to said shaft in only a single position”, as now recited in independent claims 1 and 4 from which dependent claims 17 and 18 depend, respectively. Therefore, dependent claims 17 and 18 are also

patentable over the combination of the cited art based on their dependencies on independent claims 1 and 4.

New independent claim 19 also includes the subject matter of dependent claim 3, i.e., the spacer maintains the cover and the bottom at a distance to each and is arranged in one piece with the cover.

The Examiner (at pg. 3 of the Office Action) has acknowledged that *Fischer* fails to teach or suggest “a spacer that is integral with the cover,” as recited in independent claims 1 and 4, and cites *Tuckey* for this feature. Applicants, however, respectfully disagree that the combination of *Fischer* and *Tuckey* achieves the G-rotor pump of now-amended independent claims 1 and 4.

The spacer of *Fischer* is a component that is constructed separately. Moreover, contrary to the Examiner’s assertion, *Tuckey* fails to even show a spacer that is arranged at a position near to the element 44 shown FIG. 1 (i.e., the axial wall or ring). What *Tuckey* does show is that the gear rotors 46, 48 are supported on the side of the electric motor by a rotary seal 52, and on the other side by a wall 42. Therefore, *Tuckey* teaches a structure for supporting the gear rotors that differs greatly from the structure employed in applicants’ claimed G-rotor pump. Consequently, *Tuckey* teaches a structure that does not eliminate the use of the pump casing.

Applicants’ claimed G-rotor pump includes a bottom 5 of the pump. This bottom arguably corresponds to the construction part 52 of *Tuckey*. The arrangement of the construction part 52 of the pump on the shaft of the electric motor to thereby achieve applicants’ claimed pump, requires all the components of the structure in the arrangement of *Tuckey* to have an influence on the pretension and sealing of the seal 52 against the gear rotors 46, 48. As a result, not only would the housing of the electric motor be required to provide an influence on the seal but the entire length of the shaft of the electric motor would also be required to provide an influence on the position of the seal 52 with

respect to the wall 42. However, the bottom cover does not pretension the shaft of *Tuckey*. Rather, the shaft axially slides within the cover 42.

The combination of *Fischer* and *Tuckey* thus fails to teach or suggest applicants' claimed G-rotor pump. Applicants accordingly assert that new independent claim 19 is therefore patentably distinct over the combination of *Fischer* and *Tuckey*.

Reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are therefore in order, and a notice to that effect is respectfully requested.

In view of the patentability of independent claims 1 and 4, as well as new dependent claim 19, dependent claims 2, 6-12, 14-18, and 20 are also patentable over the prior art for the reasons set forth above, as well as for the additional recitations contained therein.

Based on the foregoing amendments and remarks, this application is in condition for allowance. Early passage of this case to issue is respectfully requested.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,  
COHEN PONTANI LIEBERMAN & PAVANE LLP

By /Alfred W. Froebrich/  
Alfred W. Froebrich  
Reg. No. 38,887  
551 Fifth Avenue, Suite 1210  
New York, New York 10176  
(212) 687-2770

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